

Surface Water Protection in Outdoor Nonagricultural Settings  
California Code of Regulations Sections 6970 – 6972

**6970. Surface Water Protection in Outdoor Nonagricultural Settings.**

The provisions of this section apply to any person performing pest control for hire, including landscape maintenance gardeners, when any of the following pesticides is applied outdoors to structural, residential, industrial, and institutional sites:

bifenthrin  
bioallethrin  
S-bioallethrin  
cyfluthrin  
beta-cyfluthrin  
gamma-cyhalothrin  
lambda-cyhalothrin  
cypermethrin  
deltamethrin  
esfenvalerate  
fenpropathrin  
tau-fluvalinate  
permethrin  
phenothrin  
prallethrin  
resmethrin  
tetramethrin

(a) Except when prohibited in (e), applications to the soil surface, mulch, gravel, lawn, turf, or groundcover must be made using only the methods described below:

- (1) Spot treatment
- (2) Pin stream treatment of one-inch wide or less
- (3) Perimeter band treatment of three feet wide or less from the base of a building outward
- (4) Broadcast treatment but not within two feet from any horizontal impervious surface. Pin stream treatment of one-inch wide or less may be made within the two-foot area.
- (5) For broadcast treatment of termiticides to preconstruction sites, prior to precipitation, the treatment site must be covered with a waterproof covering, such as a polyethylene sheet, or a concrete slab must be poured over the treated soil.

(b) Except when prohibited in (e), applications to windows and doors, and horizontal impervious surfaces must be made using only the methods described below:

- (1) Spot treatment
- (2) Crack and crevice treatment
- (3) Pin stream treatment of one-inch wide or less
- (c) Except when prohibited in (e), applications to vertical structural surfaces, such as walls, foundations, and fencing, must be made using only the methods described below:
  - (1) Spot treatment
  - (2) Crack and crevice treatment
  - (3) Pin stream treatment of one-inch wide or less
  - (4) Perimeter band treatment up to a maximum height of two feet above the grade level.

(d) Except when prohibited in (e), for applications using granules to the soil surface, mulch, gravel, lawn, turf, or groundcover, the applicator shall sweep any granules that land on horizontal impervious surfaces onto the treatment site.

(e) The following applications are prohibited:

- (1) To any site during precipitation, except for applications made to the underside of eaves;
- (2) To the soil surface, mulch, gravel, lawn, turf, groundcover, or horizontal impervious surfaces with standing water, including puddles;
- (3) To a sewer or storm drain, or curbside gutter;
- (4) To the following components of a constructed drainage system that drains to a sewer or storm drain, curbside gutter, or aquatic habitat:
  - (A) Visible drainage grate connected to a drain pipe; or
  - (B) Visible french drain, or a landscaped dry river bed, swale or trench filled with gravel or rock;
- (5) To the soil surface, including preconstruction termiticide sites, mulch, gravel, lawn, turf, groundcover, or horizontal impervious surfaces within 25 feet of aquatic habitat located downgradient from the application. The applicator shall measure the distance from the high water mark or intermittent streams that are dry from the top

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### California Code of Regulations Sections 6970 – 6972

of the near bank; or

(6) To the preconstruction termiticide site within 10 feet of a storm drain located downgradient from the application.

(f) Application to plants, shrubs, or trees where there is standing water in the dripline or perimeter of the plants, shrubs, or trees is prohibited.

#### **6972. Exemptions from Surface Water Protection in Outdoor Nonagricultural Settings.**

The following applications are exempt from the provisions of section 6970:

(a) Injection into soil or structural materials, such as bricks, concrete, or wood.

(b) Post-construction rod or trench termiticide application methods.

(c) Applications to below-ground insect nests or nests made of mud or paper combs.

(d) Applications of baits in weather-proof stations or gel baits.

(e) Pesticide applications to receiving waters for which a permit has been issued under the Statewide General National Pollutant Discharge Elimination System (NPDES) for Pesticide Discharges to Waters of the U.S. from Spray Applications, and Vector Control Applications.

(f) Applications to the underside of eaves.

(g) Foggers or aerosol applications.